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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,573	08/20/2003	Kenji Hayashi	116887	6643
25944	7590	11/30/2006		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER QUARTERMAN, KEVIN J	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/644,573

**Applicant(s)**

HAYASHI, KENJI

**Examiner**

Kevin Quarterman

**Art Unit**

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 13-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 0905.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration received 27 October 2006 has been entered.

### ***Election/Restrictions***

2. In order to retain the right to rejoinder, applicant is advised that the claims to the nonelected invention should be amended during prosecution to require the limitations of the elected invention. Failure to do so may result in a loss of the right to rejoinder (MPEP § 821.04).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogura (US 6,924,594).
5. Regarding independent claim 1, Figure 2 of Ogura shows an electroluminescent device comprising first electrodes (202); electroluminescent layer (207) disposed over the first electrodes; a second electrode (208) disposed over the electroluminescent layers; a barrier layer (211) in contact with the second electrode, at least a surface of

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the second electrode facing the barrier layer including an inorganic oxide, the surface (210) of the second electrode being a separate element from the barrier layer, and at least the surface (210) of the barrier layer facing the second electrode including an inorganic compound (col. 7, ln. 44-47).

6. Regarding claim 2, Ogura discloses the electrode including indium tin oxide or indium zinc oxide (col. 6, ln. 40-43).

7. Regarding claim 3, Figure 2 of Ogura shows the second electrode covering side faces and upper faces of the electroluminescent layer.

8. Regarding claim 4, Figure 2 of Ogura shows the barrier layer (211) including at least one sublayer (210) composed of a silicon compound (col. 7, ln. 44-47).

9. Regarding claim 5, Figure 2 of Ogura shows the barrier layer including a sublayer in contact with the second electrode, the sublayer being composed of silicon oxide (col. 7, ln. 44-47).

10. Regarding claim 6, Figure 2 of Ogura shows the barrier layer including a sublayer in contact with the second electrode, the sublayer being composed of silicon nitride (col. 7, ln. 44-47).

11. Regarding claim 7, Figure 2 of Ogura shows the barrier layer including a sublayer in contact with the second electrode, the sublayer being composed of silicon nitride oxide (col. 9, ln. 38-40; col. 18, ln. 11-22).

12. Regarding claim 8, Figure 2 of Ogura shows an insulating layer (214) disposed around the second electrode, the insulating layer being composed of a silicon compound (col. 6, ln. 45), the barrier layer extending to the insulating layer.

13. Regarding claim 9, Figure 2 of Ogura shows a protective layer covering the barrier layer (213).

14. Regarding claim 10, Figure 2 of Ogura shows an adhesive layer (211) disposed between the barrier layer and the protective layer.

15. Regarding claim 11, Ogura discloses the adhesive layer including a material that is softer than that of the protective layer (col. 2, ln. 52-66).

16. Regarding claim 12, Figure 14 of Ogura shows an electronic apparatus comprising the electroluminescent device of claim 1.

### ***Response to Arguments***

17. Applicant's arguments received 27 October 2006 have been fully considered but they are not persuasive.

18. In response to applicant's argument that Ogura does not teach the barrier layer including an inorganic oxide, the Examiner notes that applicant discloses in the instant application that the barrier layer has a surface composed of an inorganic compound such as silicon oxide, silicon nitride, or silicon nitride oxide (¶ [0042]). Ogura also teaches the surface (210) of the barrier layer (211) being composed of silicon oxide, silicon nitride, or copper phthalocyanine (col. 7, ln. 44-46). Thus, the Examiner holds that Ogura teaches the barrier layer including an inorganic oxide as claimed in the instant application.

***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


20. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

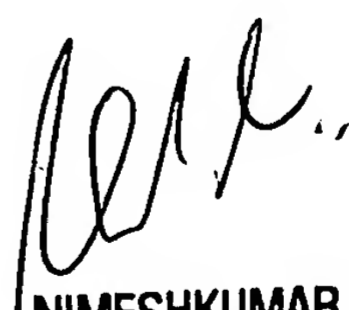
**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Quarterman  
Examiner  
Art Unit 2879  
kq   
20 November 2006

  
NIMESHKUMAR D. PATEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800